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**IN THE
COURT OF APPEALS OF INDIANA**

TIMOTHY L. WRIGHT,)	
)	
Appellant-Defendant,)	
)	
vs.)	No. 18A04-0611-CR-670
)	
STATE OF INDIANA,)	
)	
Appellee-Plaintiff.)	

APPEAL FROM THE DELAWARE CIRCUIT COURT
The Honorable Robert L. Barnet, Judge
Cause No. 18C03-0603-FB-12

August 23, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

SHARPNACK, Judge

Timothy L. Wright appeals his sentence of twenty five years in the Department of Correction, which was imposed after he was convicted of four counts of robbery as class C felonies¹ and attempted robbery as a class C felony.² Wright raises one issue on appeal, which we revise as whether the trial court's sentence was inappropriate in light of the nature of the offense and the character of the offender. We affirm.

The most relevant facts follow. Between February 28, 2006 and March 2, 2006, Wright went to five separate businesses. Wright robbed four of them, including an America's Best Value hotel, a Day's Inn, a Super 8 motel, and a Pizza King. Wright attempted a robbery at another business, Fairfield Inn, but they never gave Wright any money. On March 8, 2006, the State charged Wright with two counts of armed robbery as class B felonies, two counts of robbery as class C felonies and attempted armed robbery as a class B felony. The State and Wright submitted a plea agreement, in which Wright pleaded guilty to four counts of robbery and one of attempted robbery. At the sentencing hearing, Wright and others testified that Wright had accomplished a lot by going into the military, finishing high school, going to college, and receiving an associate's degree from Ball State. In college, Wright maintained a 3.2 grade point average. Wright served in both the Marine Corps and the Navy. After leaving college to go to the Navy, Wright served in the Persian Gulf War. However, after being discharged from the Navy due to a failed drug screen, Wright started getting into more trouble with the law. First, Wright was convicted of armed robbery and possession of cocaine.

¹ Ind. Code § 35-42-5-1 (2004).

² Ind. Code § 35-42-5-1 (2004); Ind. Code § 35-41-5-1 (2004).

Wright received a sentence modification and was placed on house arrest; however, he violated house arrest just three months later. Over the next several years, Wright had six more felony convictions, five of which were robbery convictions.

Wright had problems with drug abuse. Wright was ordered to go through a substance abuse program while in the Department of Correction. While in prison, Wright found out that he had bladder cancer. In 2005, the judge allowed Wright to be placed in the community transition program (CTP), where he worked with his father. However, Wright was returned to prison after he violated CTP rules. Wright was again placed in a substance abuse program and then released on parole. Seventy-two hours after his release from prison, Wright committed the current robberies.

The court accepted the plea agreement and sentenced Wright to serve five years for each conviction, all of which were to be served consecutively, for an aggregate sentence of twenty-five years.

The sole issue is whether Wright's sentence was inappropriate in light of the nature of the offense and the character of the offender. Wright asks that we revise his sentences to run concurrently instead of consecutively. Ind. Appellate Rule 7(B) provides that "the court may revise a sentence . . . if, after due consideration of the trial court's decision, [we find] that the sentence is inappropriate in light of the nature of the offense and the character of the offender."³ Under this rule, the burden is on the

³ Wright actually argues that his sentence is "manifestly unreasonable." Prior to January 1, 2003, we reviewed a sentence to see if it was "manifestly unreasonable." However, the Indiana Supreme Court amended Ind. Appellate Rule 7(B), effective January 1, 2003 and we now review sentences to see if they are "inappropriate in light of the nature of the offense and the character of the offender." Ind. Appellate Rule 7(B).

defendant to persuade the appellate court that his or her sentence is inappropriate. Childress v. State, 848 N.E.2d 1073, 1080 (Ind. 2006).

Our review of the nature of the offense reveals that Wright committed a total of five robberies within four days of each other. Wright went into each establishment with his hand in his pocket or behind his back to make it look like he was armed. Wright testified that he wasn't going to hurt anyone and that he didn't have a gun with him. However, Wright threatened some victims by saying, "you don't want to get popped, do you," and, "give me all the cash or I will shoot you." Appellant's Appendix at 70, 74, 77. Several of the victims stated that they were in fear during the robbery. Wright committed numerous robberies and had numerous victims. Wright threatened to shoot the victims if they did not comply.

Our review of the character of the offender reveals that Wright has a long history of criminal activity. When Wright committed the current robberies, he was high and "had basically given up" and his "dark side got the best of [him]." Appellant's Appendix at 63. When Wright was asked if "[t]here's a pattern . . . of release from prison, drugs and robbery," Wright responded, "[d]efinitely." Transcript at 64. Wright's criminal history consists of numerous previous convictions, including five convictions for robbery and one for possession of cocaine. In a previous case, the judge allowed for a modification of Wright's sentence and placed Wright on house arrest. However, Wright violated house arrest within three months after being released. Wright was placed in CTP before he was placed on parole, but Wright violated the rules of CTP on his last day and

was sent back to prison. Wright waited just three days after his release on parole before he began using drugs again and robbed the five businesses.

Wright had been in and out of rehabilitation centers and halfway houses before entering the penal system. Wright was ordered twice by the courts to have substance abuse treatment in the Department of Correction. These attempts did not work and as a result, Wright was using crack cocaine when he committed the current offenses.

After due consideration of the trial court's decision and given the number of robberies, the manner in which they were committed, and the cyclical nature of Wright's drug abuse and criminal activity, we cannot say that the twenty-five-year sentence is inappropriate in light of the nature of the offense and the character of the offender. See, e.g., Dixon v. State, 825 N.E.2d 1269, 1273 (Ind. Ct. App. 2005) (holding that consecutive sentence was not inappropriate in light of the circumstances of the crime and the substantial risk that defendant might commit a crime again), trans. denied.

For the foregoing reasons, we affirm Wright's twenty-five-year sentence.

Affirmed.

MAY, J. and BAILEY, J. concur